

# **EXHIBIT S-4**

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From: CN=Bill Sandve/OU=Austin/O=IBM on behalf of Bill Sandve [CN=Bill]  
Sandve/OU=Austin/O=IBM]  
Sent: Tuesday, January 22, 2002 10:25 PM  
To: Kim Tran  
Cc: Jay Kruemcke; Joe Graham; Zachary J Lembo  
Subject: \*IBM Confidential: Re: AIX and System V

Lotus Notes v5 Reply Note

Body:

I would also instructively challenge the statement - Sun and HP moved away from proprietary Unix OSs years ago.

> Solaris is based on UNIX SVR4, HP -UX is based on UNIX SVR3 (as is AIX). UNIX SVR4 and UNIX SVR3 are not proprietary specifications (there are other which are also very much in use such as BSD4.4 licensed code base versions, etc.

> the "Open" UNIX standard requires compliance to The Open Group's Single UNIX Specification (currently version2) which results in the right to bear the UNIX 98 brand. AIX was among the first to comply with the predecessor of that spec, and UNIX95 brand, as well the current one, with UNIX98 conformance. HP, for example, only recently (within the last month) certified compliance with UNIX95 for their current OS and have not yet even gotten UNIX98 certification.

Solaris, I think, does have the UNIX98 brand currently. The next rev of UNIX compliance will require compliance with Single UNIX Spec v3 and will result in another update UNIXxx brand sometime in 2003 timeframe. AIX will again be a leader in certifying against that updated UNIX spec. There is no other standard definition of UNIX today, than the one certified by Open Group.

> the differences which cause admins/user compatibility issue have more to do with implementation value-adds which are not covered in UNIX stds definitions and which in many cases are different because of each OS's platform support which evolved to support particular system hardware designs--ie. different boot process, different diagnostics, different LPAR design, different device driver model and interfaces, etc.

Regards, Bill  
Director, UNIX Product Management  
IBM Austin, sandve@us.ibm.com  
phone 512-838-3250, fax 512-838-4025

Kim Tran  
01/21/02 05:08 PM

To: Joe Graham/Woodbridge/IBM@IBMUS  
cc: Zachary J Lembo/Philadelphia/IBM@IBMUS, Bill Sandve/Austin/IBM@IBMUS, Jay Kruemcke/Austin/IBM@IBMUS  
From: Kim Tran/Austin/IBM@IBMUS  
Subject: Re: AIX and System V

Joe,

A short answer to your question is AIX is embracing System V now.

Actually, AIX was derived from System V. But it's System V Release 3 instead of System V Release 4 which was the base for Solaris. However, due to our partnership with SCO, we have been able to make AIX closer to SVR4 as best as we can. For example, AIX 5.1 has /proc, System V print subsystem, System V packaging and installation tools, prtconf, etc. In our next release, we are planning to provide System V user management commands, such as useradd, userdel, usermod, etc. We also are planning to add new flags to some commands to bring them up to the SVR4 level. Unfortunately, Solaris has added their value adds to their system and so has AIX. Regardless of how much we have done and are going to do, AIX is still perceived as different. There are number of technical papers, comparison tables out in the external website that you may find helpful.

<http://www.ibm.com/servers/aix/library/whiterpapers.html>

I am also cc'ing this note to Bill Sandve and Jay Kruemcke for their response.

Regards,  
Kim Tran  
AIX System Management and Consumability  
(512) 838-3412 (T/L 678-3412)

Joe Graham  
01/21/2002 03:45 PM  
To: Kim Tran/Austin/IBM@IBMAS  
cc: Zachary J Lembo/Philadelphia/IBM@IBMAS  
From: Joe Graham/Woodbridge/IBM@IBMAS  
Subject: AIX and System V

Hi Kim,

I am a local pSeries Field Technical Sales Support representative in the PA/NJ/DE area. I got your name from a previous note that was forwarded to me regarding AIX 5L and its Solaris Affinity. I am working with a pSeries Sales Specialist, Zack Lembo, on a very large competitive account in Pennsylvania. They are a huge SUN shop and we are trying to get our foot in the door and get IBM pSeries installed in their Unix space. The decision maker is a very big SUN advocate and we are working on trying to get him to consider IBM and our pSeries line of products.

He has sent the following question to us and would like an answer. We need to be very tactful and conscientious of any answer that we give back to him, so that we don't jeopardize any potential business that we may be able to WIN. If you could help me with answering the following question or direct me to any information or contacts that you know of that would be beneficial, I would be extremely grateful. Thanks for your time and I look forward to hearing from you soon.

**QUESTION:**

When is IBM going to embrace System V? Sun and HP moved away from proprietary Unix OSs years ago. This incompatibility would prohibit us from ever considering IBM RISC processors.

Regards,  
Joe

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# **EXHIBIT S-5**

## INTERNATIONAL BUSINESS MACHINES CORPORATION

ROYALTY STATEMENT AS OF JUNE 30, 1987

AT & T TECHNOLOGIES, INC.  
 P.O. BOX 65080  
 CHARLOTTE, N.CAROLINA 28265

ATTN: MR. O. L. WILSON  
 DIVISION MANAGER

ROYALTY PER LICENSE: \$250.00  
 NEW RATE PER LICENSE: \$125.00

ROYALTY PAYMENT PERIOD: 04/01/87-06/30/87

PGRM NAME: AIX (16 USER SYSTEM  
 DERIVED FROM SYSTEM V)

TYPE/MODEL: 5669/061

	QTY ITD	TOTAL ROY. EARNED ITD	PRIOR ROY. PAID ITD	TOT. QTY THIS QTR	TOTAL ROY. THIS PERIOD
CUSTOMER INSTALLS:	2667	\$333,375.00	\$259,125.00	594	\$74,250.00
INTERNAL INSTALLS:	2113	\$331,000.00	\$326,000.00	40	\$5,000.00
<b>TOTALS:</b>	<b>4780</b>	<b>\$664,375.00</b>	<b>\$585,125.00</b>	<b>634</b>	<b>\$79,250.00</b>
<b>TOTAL ROYALTY DUE:</b>					<b>\$79,250.00</b>